

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF
TENNESSEE NASHVILLE DIVISION**

L.E., by his next friends and parents,
SHELLEY ESQUIVEL and MARIO
ESQUIVEL,

Plaintiff,

v.

BILL LEE, et al.,

Defendants.

Case No. 3:21-cv-00835

Chief Judge Waverly D. Crenshaw Jr.
Magistrate Judge Alistair E. Newbern

**PLAINTIFF L.E.'S NOTICE
OF INTERVENING AUTHORITY**

Plaintiff L.E., by his next friends and parents, Shelley Esquivel and Mario Esquivel, respectfully submits this Notice of Intervening Authority. On August 17, 2023, the Ninth Circuit issued its decision in *Hecox v. Little*, --- F.4th ----, 2023 WL 5283127 (9th Cir. Aug. 17, 2023). A copy of the Ninth Circuit's slip opinion is attached as Exhibit A to this notice.

In *Hecox*, the panel affirmed a preliminary injunction enjoining enforcement of an Idaho statute known as the "Fairness in Women's Sports Act." Slip Op. 12. The statute imposed a "categorical ban on the participation of transgender women and girls participating in women's student athletics." *Id.* The court held the statute unconstitutional under the Equal Protection Clause. *Id.* at 12-13. Central to this holding was the court's conclusion that "the State of Idaho failed to adduce any evidence demonstrating that the Act is substantially related to its asserted interests in sex equality and opportunity for women athletes." *Id.* at 13.

Dated: August 21, 2023

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 21, 2023, a true and correct copy of the foregoing was served on the below counsel for Defendants, via the Court's ECF/CM system.

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